

Congress of the United States
Washington, DC 20515

June 12, 2014

The Honorable Tom Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We are writing to bring your attention to a recent letter we received from the Southern California Regional Rail Authority (Metrolink) and to ask for your personal attention to address the issues it raised, relating to its efforts to obtain the radio spectrum needed to continue to operate and implement positive train control (PTC) throughout Southern California.

As you know, the Rail Safety Improvement Act of 2008 mandated the installation of PTC for commuter and freight rail systems. This is an essential, life-saving technology necessary to enhance the safety of our nation's railroads. Metrolink is on track to be the first commuter railroad in the nation to implement PTC on its entire 512 mile system.

In March, 2010, Metrolink sought FCC approval of the acquisition and related necessary modifications and waivers for spectrum required to deploy its PTC system. Since that time, Metrolink has filed at least six applications and supplemental "Showings" with the FCC in an effort to navigate what has often been a very complicated and frustrating process. Despite repeated inquiries and applications, the situation remains unresolved.

In light of the difficulties with purchasing its own spectrum, Metrolink took the precautionary step of entering into a short-term lease of spectrum from PTC-220 LLC (an organization of freight railroad operators) for preliminary PTC purposes. The lease was always considered a stopgap measure to allow for continued development of PTC, but was never considered a long-term solution. Now, as Metrolink nears full implementation of its PTC system, in accordance with the federal mandate, the insufficiencies of the lease with PTC-220 are becoming increasingly clear. We are not alone in noting the importance of action related to the spectrum. The language in Section 9402 of the Administration's proposed GROW America Act requires cooperation between the Department of Transportation and the FCC to develop a plan to "assess spectrum needs and availability for implementing positive train control systems." While we are encouraged by the inclusion of this language, we are troubled that it is necessary and we look forward to resolution of this ongoing process.

Please note that we are not addressing the merits of the issues raised relative to Metrolink's applications. We fully expect the Commission to dispose of those issues consistent with its statutory authority and applicable administrative and judicial precedent. But we encourage and expect the Commission to take prompt steps to act on the Metrolink applications and related

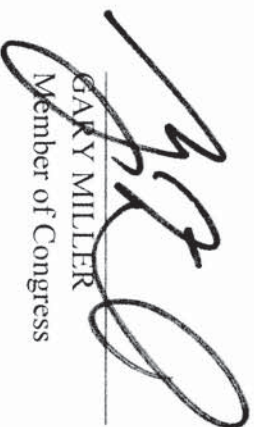
waiver requests. In response to this letter, we would appreciate an estimate of when a decision resolving the Metrolink applications may be expected.

Thank you for your attention to this critical matter. Please do not hesitate to call on us if you have any questions or if you require additional information. Please note that a copy of this letter is being submitted to the FCC's public docket No. 13-85.

Sincerely,



COL. PAUL COOK (RET.)
Member of Congress



GARY MILLER
Member of Congress



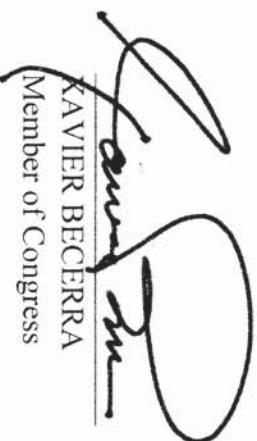
ALAN LOWENTHAL
Member of Congress



ADAM SCHIFF
Member of Congress



ED ROYCE
Member of Congress



XAVIER BECERRA
Member of Congress



May 28, 2014

Southern California Regional Rail Authority

The Honorable Paul Cook
United States Congress
1222-Longworth House Office Building
Washington, DC 20510

Dear Congressman Cook:

I am writing you with a status update on the Southern California Regional Rail Authority's (Metrolink) continued concern over radio spectrum necessary to permit Metrolink to implement PTC, as mandated by the *Rail Safety Improvement Act of 2008* (RSIA).

Over four years ago, SCRRRA arranged for the purchase of necessary spectrum. We have been working in good faith through all the procedural requirements for the purchase of such spectrum. But approval of our purchase, and of necessary waivers associated with the purchase, have been pending before the Federal Communications Commission (Commission) for over four years. Metrolink needs a permanent and reliable solution to its spectrum needs in order to ensure a safe and timely implementation of PTC in the Los Angeles Basin.

The spectrum in question is currently licensed to Maritime Communications/Land Mobile ("MCLM"). In March of 2010, MCLM and Metrolink filed applications at the Commission seeking modification and assignment of a partitioned portion of a license to Metrolink. In April of 2011, the Commission designated a hearing to investigate MCLM's qualifications to be a Commission licensee. In so doing, the Commission – explicitly mindful that delay in acting on the Metrolink applications could have safety of life implications – expressly invited Metrolink to demonstrate that its applications should be "removed from the ambit" of the hearing. Metrolink submitted such a demonstration on May 9, 2011, and the Commission's own Enforcement Bureau supported Metrolink's showing. However, the Commission took no action on Metrolink's showing.

In August of 2011, MCLM filed for bankruptcy, and in January 2013, the Bankruptcy Court entered an order approving a Plan of Reorganization for MCLM. Pursuant to that Plan, the license at issue here will be assigned (subject to FCC approval) to Choctaw Holding, LLC ("Choctaw"), a group of MCLM's secured creditors. In March of 2013, Choctaw filed an application at the FCC, seeking consent to the assignment of the MCLM licenses to Choctaw, and assignment of a portion of one geographic license to Metrolink, under the Commission's "*Second Thursday*" precedents. In light of the filing of the Choctaw application, the FCC's hearing was stayed, with the exception of an issue that is not relevant to Metrolink's purchase.



Also in March, 2013, the Wireless Telecommunications Bureau opened WT Docket 13-85 to seek comments on the applications. In response, elected officials and governmental agencies (including the U.S. Department of Transportation) urged the Commission to act promptly, and favorably, on the SCRRRA applications. Notwithstanding that strong showing of support, the Commission has taken no action on them.

To its credit, Metrolink has obtained, through an interim lease arrangement, other spectrum that will enable it to achieve at least partial, temporary compliance with the RSIA. But that arrangement affords Metrolink less spectrum than is necessary for full compliance now, much less for future compliance as PTC-related spectrum needs increase. Moreover, that arrangement is temporary and terminable at the sole discretion of the other party, which has its own present and future needs for the spectrum. This is not an acceptable solution.

There can be no doubt as to the public interest in facilitating the provision of PTC, a life-saving wireless technology designed to monitor the location and movement of trains, then slow or stop a train that is not being operated in accordance with signal systems and/or operating rules. This safety redundancy prevents train-to-train collisions and overspeed derailments, as well as the associated injuries and fatalities to passengers, railway workers and others. The NTSB included the implementation of PTC systems on its "Most Wanted list" every year from the list's inception in 1990 until the enactment of RSIA in 2008. Regrettably, because of delays in the limited implementation of RSIA requirements (including the failure of the Commission to act on Metrolink's applications) and the continued incidence of train crashes since 2008, the NTSB has re-included PTC implementation on its "Most Wanted list."

The Commission has already expressed its awareness of the important public safety considerations at risk. We are therefore extraordinarily frustrated with the Commission's inaction and find it ill-advised and inappropriate for it to leave Metrolink and its riding public in the state of bureaucratic suspended animation we have been in for far too long.

Your attention to this issue at this time would be much appreciated.

Sincerely,



Larry McCallon
Mayor Pro Tem, Highland
Chair, Metrolink Board of Directors



Michael P. DePallo
Chief Executive Officer